



Serial No. 08/518,051; Navy Case No. 83927 (74023)

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on 24 MARCH 2005

by Rhea J. Milghee
Signature of Depositor

RHEA J. MILGHEE
Typed or printed name of Depositor

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
STEPHEN D. RUSSELL et al

Examiner: Mengistu, Amare
Group Art Unit: 2673

Serial No.: 08/518,051

Filed: 22 August 2005

For: PROGRAMMABLE GREY-SCALE LIQUID CRYSTAL DISPLAY

**PETITION TO THE COMMISSIONER UNDER 37 CFR 1.181
(REQUESTING WITHDRAWAL OF HOLDING OF ABANDONMENT)**

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request to withdraw a holding of Applicants' application as abandoned on the basis that the application was in fact not abandoned. The grounds for this request are provided herein.

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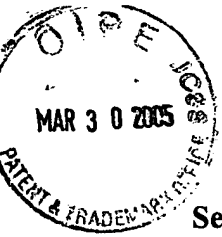
STATEMENT OF FACTS:

Applicants received an Office Action dated 7 July 2003 (hereafter "Office Action") corresponding to the above-indicated patent application and for which a period of response of three months had been set. This shortened period for response provided a due date of 7 October 2003.

On 16 September 2003, a complete response to the Office Action was provided to the U.S. Patent Office via U.S. Mail, certificate of mailing. A return receipt post card was sent accompanying this response, a copy of which is furnished herein as Exhibit A.

Exhibit A identifies the reply, in this case itemized on the post card as: "Amendment, (4 pages) (No Fee)".

As described in a case-file memorandum by the then assigned attorney-of-record Ms. Celia Dunham, Examiner Amare Mengistu telephoned Ms. Dunham on Friday February 20, 2004. Examiner Mengistu left a message requesting Ms. Dunham's confirmation of an abandonment of the case. The following Monday, February 23, 2004, Ms. Dunham contacted the Examiner, but by that time he had issued a Notice of Abandonment. Ms. Dunham informed the Examiner that she had previously sent in a timely response and had no intention of abandoning the case. Examiner Mengistu stated that he would conduct a search for the response and if unsuccessful,



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would contact Ms. Dunham. There is no further record of the Examiner contacting Ms. Dunham.

POINT OR POINTS TO BE REVIEWED:

Does the evidence presented by Applicants compel a finding of a timely response and thus support a withdrawal of the holding of abandonment?

ACTION REQUESTED:

The Commissioner is hereby respectfully asked to withdraw the holding of abandonment based upon the return receipt post card prima facie evidence of a timely response to the Office Action.

It is requested that the above-described application be found to have not, in fact, become abandoned.

Respectfully submitted,

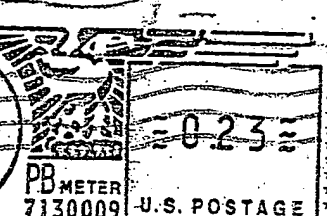
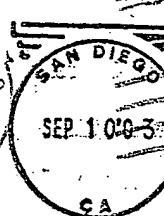
Peter A. Lipovsky

Peter A. Lipovsky
Attorney for Petitioners
Registration Number 32580

23 March 2005
Legal Counsel for Patents 20012
Attention: Mr. Peter A. Lipovsky
SPAWARSYSCEN, SAN DIEGO
53510 Silvergate Ave Rm 103
San Diego, CA 92152-5765
(619) 553-3824



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PATENT COUNSEL
COMMANDING OFFICER
OFFICE OF PATENT COUNSEL D0012
SPAWARSSYSCEN SAN DIEGO
53510 SILVERGATE AVENUE ROOM 103
SAN DIEGO CA 92152-5765

NAVY CASE NO. 74023 (83927)
SERIAL NO. 08/518,051
APPLICANT Stephen D. Russell et al.

Receipt of the following application for
U. S. Patent and Trademark Office:

Transmittal Form (PTO/SB/21)
Amendment (4 pages) (No Fee)
Certification of Mailing



by official stamp of the

CCD NC74023 09/16/03 RJM